

PLANNING AND DEVELOPMENT MEMORANDUM

#08-15

July 1, 2008

TO: Honorable Mayor Kathleen M. Novak and City Council Members

FROM: David Allen, Acting City Manager *DFA*
James Hayes, Director of Planning and Development *JH*
Rick Davis, Chief Building Official *RD*

SUBJECT: CB-1658, Adopt a new Elevator and Escalator Ordinance, and adopt by reference ASME A17.1, ASME A17.3, ASME 18.1, and ASCE 21.

RECOMMENDATION:

Attached to this memorandum is a proposed Ordinance which, if approved, would create a new Elevator and Escalator Ordinance. Staff recommends approval of this proposed Ordinance.

BACKGROUND:

The purpose of the Ordinance is to safeguard life, limb, property and public welfare by establishing minimum requirements regulating the design, construction, alteration, operation and maintenance of elevators, dumbwaiters, escalators, moving walks, platform lifts and chair lifts, as well as establishing procedures by which these requirements will be enforced. This Ordinance is in response to Colorado General Assembly SB 07-123, SB 08-224 and C.R.S. § 9-5.5-112 dealing with rules for the construction, alteration, repair, service, and maintenance of conveyances, and the responsibility of Authority Having Jurisdiction (AHJ-Local Jurisdiction).

In conjunction with adoption of Elevator and Escalator Ordinance, staff will present two related documents for City Council consideration on August 14, 2008. The first is a Memorandum of Agreement (MOA) with Colorado Division of Oil and Public Safety (OPS) in accordance with C.R.S. § 9-5.5-112 (2) (a) which authorizes a local jurisdiction to administer and enforce the States conveyance requirements. The second is an Intergovernmental Agreement (IGA) with Denver Regional Council of Governments (DRCOG) to administer the Elevator and Escalator Ordinance on behalf of the City. The City will retain responsibility for the issuance of a conveyance permit.

BUDGET/TIME IMPLICATIONS:

Adoption of the Elevator and Escalator Ordinance has no budgetary impacts.

STAFF REFERENCE:

If Council members have any comments or questions they may contact James Hayes, Director of Planning and Development at 303-450-8937, or jhayes@northglenn.org.

SPONSORED BY: MAYOR NOVAK

COUNCILMAN'S BILL

ORDINANCE NO.

NO. CB-1658
Series of 2008

Series of 2008

A BILL FOR AN ORDINANCE ADDING A NEW ARTICLE 9 TO CHAPTER 10 OF THE NORTHGLENN MUNICIPAL CODE TO ADOPT BY REFERENCE THE FOLLOWING STANDARDS OF AMERICAN SOCIETY OF MECHANICAL ENGINEERS (“ASME”) AND THE AMERICAN SOCIETY OF CIVIL ENGINEERS (“ASCE”): (1) ASME A17.1; (2) ASME A17.3; (3) ASME A18.1; AND (4) ASCE 21

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTHGLENN, COLORADO, THAT:

Section 1. The Northglenn Municipal Code is hereby amended by the addition of a new Article 9 of Chapter 10, which shall read as follows:

Section 10-9-1. Title.

This Chapter shall be known and cited as the City of Northglenn Elevator and Escalator Code.

Section 10-9-2. Purpose and Scope.

(a) The purpose of this Article is to safeguard life, limb, property and public welfare by establishing minimum requirements regulating the design, construction, alteration, operation and maintenance of elevators, dumbwaiters, escalators, moving walks, platform lifts and chair lifts by establishing procedures by which these requirements may be enforced. The purpose of this Chapter is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of the City of Northglenn Elevator and Escalator Code.

(b) This Article shall apply to all conveyances within the City, except that this Article shall not apply to:

- (1) Materials hoists;
- (2) Manlifts;
- (3) Mobile Scaffolds, towers and platforms;
- (4) Powered platforms and equipment for exterior and interior maintenance;
- (5) Conveyors and related equipment;
- (6) Cranes, derricks, hoists, hooks, jacks, and slings;

- (7) Industrial trucks within the scope of ASME publication B56;
- (8) Items of portable equipment that are not portable escalators;
- (9) Tiering or piling machines used to move materials between storage locations that operate entirely within one story;
- (10) Equipment for feeding or positioning materials at machine tools, printing presses, and other similar equipment;
- (11) Skip or furnace hoists;
- (12) Wharf Ramps;
- (13) Railroad car lifts or dumpers;
- (14) Line jacks, false cars, shafters, moving platforms, and similar equipment used by a certified conveyance contractor for installing a conveyance;
- (15) Conveyances at facilities regulated by the mine safety and health administration of the United States Department of Labor, or its successor, pursuant to the “Federal Mine Safety and Health Act of 1977”, Pub. L. 91-173, Codified at 30 U.S.C. § 801, *et seq.*, as amended;
- (16) Elevators within the facilities of gas or electric utilities that are not accessible to the public;
- (17) A passenger tramway defined in C.R.S. § 25-5-702; and
- (18) Any conveyance located within a single family residence.

Section 10-9-3. Definitions.

For purposes of this Article, the following terms shall have the following meanings:

- (1) “Conveyance” means:
 - (a) A hoisting and lowering mechanism equipped with a car or platform that moves between two or more landings. Such equipment includes, but is not limited to elevators and platform lifts, personnel hoists, stairway chair lifts and dumbwaiters;
 - (b) Power-driven stairways and walkways for carrying persons between landings. Such equipment includes, but is not limited to, escalators and moving walks; or
 - (c) Automated people movers as defined in ASCE 21.

(2) “Single family residence” means a private residence that is a separate building or an individual residence that is part of a row of residences joined by common sidewalls.

Section 10-9-4. Adoption of standards.

(a) Standards. The following standards of American Society of Mechanical Engineers (“ASME”) of Three Park Avenue, New York, NY 10016-5990 and the American Society of Civil Engineers (“ASCE”) of 1801 Alexander Bell Drive, Reston, Virginia 20191-4400 are adopted by reference and amended as described herein:

- (1) ASME A17.1;
- (2) ASME A17.3;
- (3) ASME A18.1; and
- (4) ASCE 21.

(b) Exemptions. Those conveyances installed before July 1, 2008, shall be exempt from compliance with ASME A17.3 unless such conveyance is altered or remodeled or compliance is otherwise necessary in order to protect against a material risk to the public safety.

(c) Copies. At least one (1) certified copy of all standards adopted pursuant to this Section shall be held on file in the office of the City Clerk and may be inspected during regular business hours.

(d) Amendments.

(1) ASME A17.1 is amended by the addition of a new Section 8.12 of Part VIII to read as follows:

Section 8.12

Permits and Certificates of Inspection

Rule 812.1 Permits.

It shall be unlawful to hereafter install any new elevator, moving walk, escalator or dumbwaiter, to make major alterations to any existing elevator, dumbwaiter, escalator, or moving walk without first having obtained a permit for such installation from the Building Official. Permits shall not be required for maintenance or minor alterations.

Rule 812.2 Certificates of Inspection.

It shall be unlawful to operate any elevator, dumbwaiter, escalator, or moving walk without a current certificate of inspection issued by the Building Official. Such certificate shall

be issued annually upon payment of prescribed fees and the presentation of a valid inspection report indicating that the conveyance is safe and that the inspection was made within the previous six (6) months. Certificates shall not be issued when the correspondence is posted as unsafe pursuant to Rule 1004.2.

Rule 812.2B Fees.

The fee for the annual certificate of inspection for existing installations shall be as established by the City Council from time-to-time.

Rule 812.2C Application for permits.

Application for a permit to install shall be made on forms provided by the Building Official, and the permit shall be issued to an owner upon payment of the permit fee.

Rule 812.2D Application for certificates of inspection. Application for a certificate of inspection shall be made by the owner of an elevator, dumbwaiter, escalator, or moving walk. Applications shall be accompanied by an inspection report approved by the Building Official. Fees as specified in this section shall be paid at the time of application.

(e) A new section 813 of part x of the ASME/ANSI A17.1-1996 Safety Code for Elevators and Escalators is added to read as follows:

Section 813

Owner Responsibility and Unsafe Conditions

Rule 813.1 General. The owner shall be responsible for the safe operation and maintenance of each elevator, dumbwaiter, escalator, or moving walk installation and shall cause periodic inspection, tests, and maintenance to be made on such conveyances as required in the ASME/ANSI A17.1-1996 Safety Code for Elevators and Escalators.

Rule 813.2 Unsafe Conditions. When an inspection reveals an unsafe condition, the inspector shall immediately file with the owner and the Building Official a full and true report of such inspection and such unsafe condition. If the Building Official finds that the unsafe condition endangers human life, he shall cause to be placed on such elevator, escalator, or moving walk in a conspicuous place, a notice stating that such conveyance is unsafe. The owner shall see to it that such notice of unsafe condition is legibly maintained where placed by the Building Official. The Building Official shall also issue an order in writing to the owner requiring the repairs or alterations to be made to such conveyance as are necessary to render it safe and may order the operation thereof discontinued until the repairs or alterations are made or the unsafe conditions are removed. A posted notice of unsafe conditions shall be removed only by the Building Official when he is satisfied that the unsafe conditions have been corrected.

Section 10-9-5. Violations--penalty.

(a) It shall be unlawful for any person to violate any of the provisions of the City of Northglenn Elevator and Escalator Code.

(b) Any violation of the provisions of this Article shall, upon conviction be punishable as provided in section 1-1-10(a)(2) of this Code.

Section 10-9-6. Severability clause. If any article, section, paragraph, sentence, clause or phrase of this ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each part or parts thereof, irrespective of the fact that any one part or parts be declared invalid or unconstitutional.

Section 10-9-7. Safety clause. The City Council hereby finds, determines, and declares that this ordinance is necessary for the preservation of the public health, safety and welfare.

Section 10-9-8. Conflicts. If the provisions of the construction building codes, as adopted in this article, conflict with any other provisions of the municipal code then the more restrictive of the two shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

Section 10-9-9. Effective date. This ordinance shall become effective five (5) days after public notice following final passage.

INTRODUCED, READ AND ORDERED POSTED THIS _____ DAY OF _____, 2008.

KATHLEEN M. NOVAK
Mayor

ATTEST:

JOHANNA SMALL, CMC
Acting City Clerk

PASSED ON SECOND AND FINAL READING THIS _____ DAY OF _____, 2008.

KATHLEEN M. NOVAK
Mayor

ATTEST:

JOHANNA SMALL, CMC
Acting City Clerk

APPROVED AS TO FORM:

COREY Y. HOFFMANN
City Attorney